

From: [Chuck Pillon](#)
To: [Leefers, Kristin](#)
Cc: [Wheeler, Andrew](#); [Hladick, Christopher](#)
Subject: Re: EPA assessment and cleanup at your property
Date: Wednesday, October 31, 2018 1:41:33 PM

Kris...

Who do I have to address my other questions too???...Has EPA some other action in mind???...is some Court action pending...Is EPA going to survey the drainage system as I ask...is EPA determined to use the erroneous DOE water data as a cover for some purpose or other???...What about the "invasion" on the fifth???...Seems you guys owe me some clarification...

regards

On Wednesday, October 31, 2018 12:15:26 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Thank you for your prompt response Mr. Pillon. As noted from your statement below, you do not grant consent for EPA access to your property this week for purposes of a site walk. I will inform Mr. Fowlow and EPA will not visit your property this week.

Kris

Kris Leefers

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From: Chuck Pillon (b) (6)
Sent: Wednesday, October 31, 2018 11:46 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Subject: Fw: EPA assessment and cleanup at your property

Hello again Kris...

Ironical that I got your email request for "consent" for Jeff to visit my place again. I didn't see it until after I had sent my "yesterday" offering along. This email of yours suggests that EPA still plans to "invade" my place soon. Even after you see what I related in the yesterday email about the "plunder parties" I have investigated when Environmental agencies run amuck with their "contractors"? I will say more about this in a moment. I don't know what interest I have generated at Andy Wheeler's level...but I will tell you one and all that reckless endeavors like this...minor as they may seem to some...are the genesis of much of the anger and contempt that the public feels.

I will say also that all of the environmental activities I have conducted are all highly promoted and commended both in Govt. literature and in the ranks of my community. I am going to send along for the record

The answer to the "request" must now be a continuing NO. And that will remain the answer until EPA responds to my request for a survey of the storm-water drainage on my property. EPA has done no water testing before out here...and clearly then seeks to rely on the 2016DOE testing results as a predicate for the forthcoming "invasion" to test the water again.

As I have repeated before...once this "drainage" is properly surveyed it will confirm that this water originates uphill from my land...and is conveyed across it in a manner that actually improves the quality to some degree.

Wa. State had this information well in advance of "my trial and conviction" ...but suppressed it in the trial. In an appeal and counter-lawsuit that I have filed... the State has had to de-facto admit this. So the question becomes for the EPA...do you continue to utilize this now discredited evidence...and reject the exculpatory aspects of this development...in an effort to impose unnecessary harmful measures on my person and estate?

Please note again...I am all for testing that water...once the flow system elements is corrected. But I cannot consent to continuation of a cynical effort to perpetuate the slander to my person and destruction of my property value. I am going to FWD an email from Tracie Walters that confirms what I am saying; and for the EPA record...more reports on the true nature of my efforts and the accounts of various friends...including public officials. I don't have any utopian hopes here...but the "truth" is always worth sowing.

With respect then...to the "soil testing". Look again at the actual record. Jeff came along on the questionable authority of a WSP warrant to search for evidence of an ILLEGAL WRECKING YARD...nearly three years ago in Feb. 2016. The EPA (Jeff?) was not an affiant in the request for this warrant. EPA and DOE and one other agency just came along on what is an increasingly a questionable basis. The Courts have increasingly required the applications for S/W include specificity based upon

palpable evidence...not mere "related suspicions".

Consider this next: on a 435,000square foot land mass (10 acres)...EPA (Jeff) gathered "evidence of soil contamination" on a strip of roadway approx. 3 feet by 40 feet...(120 square feet.) He tested nine containers in and around a storage van that held flammable contents. He properly noted that there a significant number of other such containers around my property. Jeff also mentioned several barrels of unknown contents on a flatbed truck nearby. He declined to test those contents...but did take a photo or two. Jeff told me that day that the primary EPA concern was the possibility of harmful chemicals or solvents in the containers...not just the ones he sampled...but several others as well. Jeff and I discussed his concerns...I noted his suggestions...and with that...EPA left the premises.

While my "clean-up efforts began within days...I RECEIVED NO REPORT ON TEH EPA TESTING FOR LITERALLY MONTHS. I FINALLY MADE CONTACT MYSELF VIA WA. DOE (email record).

NOt only did I have to iquire for results...after several months...EPA took absolutely no other action. No S/W for additional evidence or remedial action...no abatement/clean-up threat that I have now received some three years later...and add to this Jeff's vary candid testimony before and at trial..."THAT HE OBSERVED NOR RECORDED ANYTHING HE CONSIDERED "IMMINENT DANGER". Which he has never wavered from. Nor has he related anything in report or action now again for better than three months since he last "visited" out here in July!

This makes it clear that EPA does not contend that any EXIGENT CIRCUMSTANCES are at play in this recent threat to just invade my property without a requisite Hearing and Order from some Court! And as to the timing of all this...you cannot rely on outdated...especially clearly marginal..."evidence" to resume a search which was questionably launched on the shirttails of that three-year-old WSP S/W.

As I said I am going to add to this ongoing record in the interest of my personal reputation and integrity.

But the critical issue right now is for EPA to inform me of what "other authority" you have been exploring in order to "invade" out here....and what process you have followed...and why I may have been excluded. And with respect to any "contractors"...I request/insist you identify them before any EPA adventure they are involved in. I want to advise them of certain Fourth Amendment issues that they will be part of if they seize of damage any of my lawful property...and not to rely on any vague guidelines from EPA or any other party.

----- Forwarded Message -----

From: Chuck Pillon (b) (6)

To: wheeler.andrew@epa.gov <wheeler.andrew@epa.gov>

Cc: Christopher Hladick <hladick.christopher@epa.gov>; Kristin Leefers <leefers.kristin@epa.gov>; Jeffrey Fowlow <fowlow.jeffrey@epa.gov>

Sent: Tuesday, October 30, 2018 11:24:28 AM PDT

Subject: Fw: EPA assessment and cleanup at your property

Hello Andy Wheeler...

Andy...I heard your comments on the Todd Herrman radio show out here in Seattle a few weeks back...and I took heart from them. I have a case with the District 10 folks here in Seattle.

Accordingly I am FWDing the email below because it illustrates the conflict I have with the Region 10 Staff...as you can see I have been informed that I will soon have to **host an intrusion** by EPA staff and selected **"contractors"** as a function of their decision that my place qualifies as a virtual **SUPER FUND SITE?** So I am ordered to discontinue the previously approved EPA defined clean-up...now 95% complete.

This brings me to the origination of this whole mess. I was convicted by the State of Washington last spring of some remarkable allegations of **"environmental misdeeds"**. Now note that I am a retired police officer...(Seattle PD 64-88). I have continued working in continuously for all the intervening years in my community when it comes to public and environmental safety here in this rural area. For years I have campaigned for improvements in river LWD projects...**closed the local drug-houses...dealt with highway safety crises...restored salmon-habitat...**and so on.

I am not offering this "self portrait" looking for any special treatment...but to balance the predictable stigma that attaches to any person who is **"convicted"** of environmental crimes. Note too that the **"great raid"** took place nearly three years ago. And no agency...including EPA...has previously taken any abatement action...in spite of the fact that none of them has ever been restricted from my property. I don't even have a gate.

Since that initial event...I have proceeded with clean-up under EPA policy with the knowledge of Jeff Fowlow...**JEFF POINTED OUT CERTAIN CONDITIONS THAT NEEDED REMEDIAL EFFORT...AND IN FACT IT IS 90 PLUS % FINISHED. NOW SUDDENLY...WITHOUT A HEARING AND ANY OTHER DUE PROCESS...INCLUDING A PROPER EVALUATION OF THE INITIAL EFFORTS...I AM TOLD OF AN IMPENDING INVASION TO DISTURB AND DESTROY MY PRIVATE PROPERTY.**

JEFF AND ALL OTHERS WILL CONFIRM THAT I HAVE ALWAYS WELCOMED THEIR "VISITS"...AND WE HAVE AGREED TO ADDITIONAL TESTING IF NECESSARY. BUT WHAT KRIS LEEFER NOW ORDERS IS NOT A REALISTIC EVALUATION...IT IS A DESTRUCTIVE...IRREVERSIBLE INVASION! **Kris does not cite any "EXIGENT CIRCUMSTANCES"**...because in fact there are none. It has been three whole years since EPA gathered the **limited "evidence"** they have. And the "evidence" about "water

quality they may cite from State agencies has recently been acknowledged as bogus by the State Atty General...in a "counter-suit" I have filed. In fact the ***State testing illustrates that my STORM-WATER-SYSTEM actually improves water quality.***

The criminal case is under appeal...and thus even though Kris Leefers wants to cite "conditions" from the State Court as reason for denial of my right to finish the "clean-up" out here according to those EPA guidelines...***the fact is that the State Court imposed "conditions" are under Appeal...***and by the time they were imposed I was nearly done with clean-up of the EPA concerns in any event. So the State Court "conditions" are de-facto moot.

THE STATE PRESENTED SIX EXPERT WITNESSES...INCLUDING JEFF FOWLOW... from your District 10 staff, AND ***ALL SIX TESTIFIED EMPHATICALLY THAT THERE WAS NO IMMINENT DANGER to anything up here. They just noted that I needed to do a little clean-up and some more testing might be in order.***

Andy I have investigated "***intrusions***" like these done by local County authorities out here...and have chronicled the kind of abuse that goes on in these what we call ***PLUNDER PARTIES***. An agency descends on a property with "***contractors***" and the looting begins. In three related cases ***I identified over \$ 250,000 in lawful property that was purloined under the pretense that it was environmentally harmful. So when I read the email from Kris the alarm bells went off. This looks to be my turn.***

Please know that I have had nothing but cordial interaction with Jeff Fowlow in the course of all this...including his candid direct testimony at Trial rejecting the "IMMINENT DANGER contention by the State. But something has changed from that cooperative balance...I am told to relay all my concerns through Kris...and I have done so definitively. But we have come to the situation as it now is...and suddenly I face this threat...and cant make Kris understand my concerns. I must say that Kris has also been considerate...and I don't think she is the "author" of this ***misbegotten "notification"***.

First I need to give you a little more perspective on the basis EPA has established here as a predicate for these threatened measures. I am sure your General Counsel will have some thoughts if it gets to his desk. You all will find it informative, That is going to require a sort of "second effort" on my part. That will promptly follow this note. Initially I simply appeal for a return to lawful process...order that a Hearing take place...and I will detail the essence of my legal concerns in advance. I am versed in Fourth Amendment law...and have reviewed the cases wherein EPA has faced similar challenges before. They should be considered here also.

THERE IS SOMETHING ELSE VERY SIGNIFICANT HERE IN WHAT KRIS HAS TO SAY. THE INITIAL "NOTIFICATION" STATED UNCONDITIONALLY "THE EPA WAS ON ITS WAY"...AND WOULD I PLEASE SIGN THE "CONSENT FORM AND RETURN IT. I REPEATED TO KRIS IN A REPLY EMAIL THAT EPA WAS ALWAYS WELCOME TO COME OUT AND INSPECT...BUT THAT I WOULD NOT SIGN A BLANK "SURRENDER DOCUMENT"!!!

THEN KRIS WAS TO INFORM ME THAT THUS EPA WOULD HAVE TO ***"EXPLORE ITS OPTIONS"*** TO MAKE "LAWFUL ENTRY ONTO MY PROPERTY! THIS IS IMPLICIT/EXPLICIT ADMISSION THAT

EPA KNEW IT HAD NO SUCH AUTHORITY... WHEN IT SENT ITS INTIMIDATING/ABUSIVE FIRST NOTIFICATION. THIS "INTIMIDATION EFFORT" IS UNBECOMING OF A PUBLIC AGENCY...AND IS IN FACT ACTIONABLE AS A FOURTEENTH AMENDMENT MATTER.

I am tired of TWISTING IN THE WIND out here. Please at least direct District 10 to inform me as to what these OPTIONS" are...and give me time to file for a TRO in the Federal Court if that is necessary.

Regards...Chuck Pillon

----- Forwarded Message -----

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

To: (b) (6)

Sent: Wednesday, October 3, 2018 02:38:29 PM PDT

Subject: EPA assessment and cleanup at your property

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury,

relocate, manipulate or otherwise rearrange any solid waste currently on the property.” (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.)

The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that “No further activity on the property are [sic] allowed by defendant.” (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA’s assessment and cleanup. Specifically, you “shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment.” (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, “The state, County and EPA are to have un-fettered access to the site w/o any further legal process.” (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

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Deputy Unit Dive Officer

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